

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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F.A.O. No. 1006 of 1987

Date of decision: 6.9.2006

Gobind Ram

--- Appellant

Versus

Ranbir Singh and others

--- Respondents

CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL

PRESENT: Mr. Ajay Kaushik, Advocate for the appellant.

Mr. Aman Priye Jain, Advocate for respondent No.1.

Mr. S.S. Aulakh, Advocate for respondent No. 2

JUDGMENT

This appeal at the instance of the claimant is for enhancement of compensation which has been awarded by the Tribunal for the injuries suffered by him in the vehicular accident which took place on 14.7.1985.

Briefly, the facts are that on 14.7.1985 at about 10.30 PM, the appellant along with his brother Dharam Chand was coming in Car No. PJP 5521 owned and driven by him and a few persons known to them took a lift in the said car. When the car reached in the area of Rajbaha Road, Patiala, a bus No. DEP 8554 driven by respondent- Ranbir Singh belonging to Delhi Transport Corporation struck against it. As a result of impact of the accident, the appellant and other occupants of the car sustained injuries and the car was also damaged. The appellant filed a claim petition for the grant of compensation to the tune of Rs. 70,000/- for the injuries suffered by him and the damage done to the car.

The contest on behalf of the respondents led to framing of various issues. The Tribunal, however, awarded a lump sum amount of Rs. 20,000/- for the injuries suffered by the appellant including the damage caused to the car. Feeling not satisfied with the quantum of compensation awarded, the appellant has approached this Court.

Learned counsel for the appellant submitted that the Tribunal has awarded a meager compensation of Rs. 20,000/- only, on account of the amount spent by the appellant on medicines, for damage to the car and also on account of pain and suffering. The counsel submitted that the amount as claimed in the petition should have been awarded. On the other hand, learned counsel appearing on behalf of the respondent-Delhi Transport Corporation submitted that the compensation awarded by the Tribunal is just and fair and the order of the Tribunal calls for no interference.

I have heard learned counsel for the parties and have perused the record. As noticed earlier, the Tribunal has awarded a total amount of Rs. 20,000/- in lump sum on account of expenditure on treatment, loss of work for the period he could not attend his job and damage to the car. The Tribunal while determining the amount of compensation though took into consideration all possible aspects regard to which was required to be had in that context but the compensation awarded is on the lower side and deserves to be enhanced. It stood proved on record that the appellant remained admitted in the hospital for treatment of his injuries suffered in the accident. Even after being discharged from the hospital, the appellant was confined to bed for about one month. The appellant had received injuries on various parts of his body, namely, right eye i.e. the most vital part of the body, back shoulder and on right leg etc. It was also proved on record that front side of the car was totally damaged and even the front door glasses were also broken. It came on the record that the appellant at the relevant time had been dealing in painting and denting etc. This evidence has not been rebutted by the respondents. In these circumstances, there is no escape from the conclusion that for all the period the appellant had to remain without work owing to injuries suffered in the accident and also had to spend money on his treatment and also suffered pain because of this serious accident he is entitled to have just and fair compensation.

In view of the above and having regard to the facts and circumstances as noticed above, the appellant would be entitled to Rs. 5,000/- towards expenses incurred for the treatment of the injuries, Rs. 10,000/- for the damage caused to the car and a sum of Rs. 15,000/- on account of shock, pain and suffering and the period for which he remained without work which he had to experience due to the injuries, hospitalization and confinement to the bed i.e. Rs. 10,000/- over and above the compensation awarded by the Tribunal. The appellant would, thus, be entitled to a total compensation of Rs. 30,000/- and the liability to pay this amount shall remain to be that of the respondents jointly and severally as ordered by the Tribunal. The appellant shall also be entitled to interest at the rate of 9% per annum on the enhanced amount of compensation from the date of the award of the Tribunal till realization of the entire amount of compensation. The award of the Tribunal is modified accordingly. The appeal is accepted to the extent indicated above. There will, however, be no order as to costs.

September 6, 2006
MALIK

(AJAY KUMAR MITTAL)
JUDGE